

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PETER A. SPALLUTO)	
and ACCESS WITH SUCCESS, INC.,)	
Plaintiffs)	CIVIL ACTION NO.: 05-cv-10385EFH
)	
v.)	
)	
HDP, INC.,)	
Defendant)	
)	

**PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION
TO DISMISS (WITH INCORPORATED MEMORANDUM)**

The plaintiffs respectfully oppose the defendant's motion to dismiss. As grounds for their opposition, the plaintiffs state that although their motion for a protective order was denied, they did not defy a discovery order as the defendant contends and certainly, they intend to appear at their depositions if defense counsel will agree to convene the depositions on one of the following dates: July 28, 29, 30, 31, or August 1.

WHEREFORE, the plaintiffs pray that the defendant's motion will be denied.

Respectfully submitted, The Plaintiffs,
Peter A. Spalluto and Access With Success,
Inc.

By their Attorneys,

/s/Nicholas S. Guerrero
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CERTIFICATE OF SERVICE

I, Nicholas S. Guerrero, hereby certify that the foregoing document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on this 15th day of April 2008.

Dated: April 15, 2008

/s/Nicholas S. Guerrero

Nicholas S. Guerrero